

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NORTH DAKOTA

In Re: )  
          )  
Stark Energy, Inc. ) Case No. 24-30168  
          )  
          ) Chapter 11  
          ) Subchapter V  
          )  
Debtor         )

INITIAL APPLICATION OF THOMAS J. KAPUSTA FOR SUBCHAPTER V TRUSTEE FEES AND EXPENSES

Thomas J. Kapusta, in his capacity as the Sub Chapter V Trustee d/b/a TK Enterprises, LLC ("Applicant"), pursuant to 11 U.S.C. §§ 330 and 331, hereby requests that the Court approve its Application and enter an Order thereby awarding certain Sub Chapter V Trustee fees and expenses incurred in connection with this case. In support thereof, Applicant respectfully represents:

1. Applicant is the Sub Chapter V Trustee of record for the Chapter 11 proceeding and has acted as such since being appointed same on April 23, 2024.
2. Thomas J. Kapusta is manager and sole member of TK Enterprises, LLC. Thomas J. Kapusta has over 40 years of experience as a practicing attorney in multiple jurisdictions.
3. Applicant has expended time in the form of professional services in support of this Chapter 11 Sub Chapter V proceeding. This time has been itemized on records reflecting

the work performed by the Applicant during the period covered by this First Interim Application. Attached hereto as Exhibit "A" are the time records/invoicing (Invoice #124) related to the services, setting forth the date of each service, a description of the service rendered, and the time spent rendering such service at a rate of \$275.00 per hour plus expenses noted, and the resulting fee charge on account of the service listed.

4. Applicant has listed on Exhibit "A" any expenses incurred directly in connection with Applicant's duties as Sub Chapter V Trustee of this proceeding and were necessary to Applicant's services.
5. This initial application includes fees and expenses in the aggregate amount of \$5020.66 including expenses in the amount of \$263.16 for the period of April 23, 2024 , through July 2, 2024, that have not been previously applied for or approved for payment.
6. Work on this case during the time concerned has involved services from the Applicant related to the: (i ) review, evaluation and verification of the Debtor's Schedules and Statements as required under 11 U.S.C. §521; (ii) meeting with the United States Trustee's office and court including the Initial Debtor Interview; the first meeting of creditors; working with Debtor Counsel and with Debtor and debtors creditors, (iii) reviewing any Debtor monthly operating reports; (iv) and general work including financial analysis, review of motions and responding to inquiries, meeting with applicable creditors and debtor counsel regarding the Chapter 11 Sub Chapter V proceeding.
7. The undersigned trustee represents to the Court that the services and expenses provided during the period covered by this Initial Fee Application were ordinary and

necessary given the nature of this Chapter 11 Sub Chapter V proceeding, and that no work was excessive or detrimental to the Bankruptcy Estate.

8. Applicant further requests that the Court, pursuant to 11 U.S.C. §, 330 and 331 approve the allowance of fees and expenses as sought in this Initial Fee Application and authorize the Applicant to receive such fees and expenses as approved by the Court within ten days from funds from Debtor and/or immediately from any that are currently available from any previously approved security deposit in the account maintained by the Applicant.

WHEREFORE, Applicant prays that the Court, pursuant to 11 U.S.C. § 330 and 331, enter an Order approving the Initial Application for Fee and Expenses of the Applicant, and award compensation for services rendered and expenses in the amount of \$5020.66 for the period covered in the Initial Application, and for Debtor to pay timely within ten days of this order the approved amounts, and for any and all other relief deemed just and equitable in the premises.

Dated: July 2, 2024

Signed: Thomas J. Kapusta

Thomas J. Kapusta, Sub Chapter V Trustee  
TK Enterprises, LLC  
PO Box 90624  
Sioux Falls, SD 57109  
Phone: 605-376-6715  
Email: [tkapusta@aol.com](mailto:tkapusta@aol.com)

**Thomas J Kapusta**

**EXHIBIT A**

**TK Enterprises, LLC**

**Subchapter V Trustee**

PO Box 90624, Sioux Falls, SD 57109

Phone: 605-376-6715

tkapusta@aol.com

Bill To: Stark Energy, Inc. c/o Ahlgren Law Office, PLLC 220 W. Washington Ave.  
Ste 105 Fergus Falls, MN 56537

Phone: 218-998-2775

Invoice #: 124

Address: See above

Email: erik@ahlgrenlawoffice.net

Invoice Date: July 2, 2024

Case Name: Stark Energy, Inc.

Case #: 24-30168

Date	Services	Time Spent	Fee Total
4/23/2024	Receive new assignment, review petition and check for conflicts, review docketed entries, and prepare and transmit verification statement	.3 hr	\$82.50
4/24/2024	Review emails regarding IDI and calendar event	.1 hr	\$27.50
4/24/2024	Review entries 2-8 and calendar events	.2 hr	\$55.00
4/25/2024	Review proof of claims 1-1 and 2-1	.2 hr	\$55.00
4/26/2024	Review entries 9-10	.1 hr	\$27.50
4/29/2024	Review entries 11-12	.1 hr	\$27.50
4/30/2024	Review entries 13-15 and send email to debtor counsel	.2 hr	\$55.00
4/30/2024	Analyze debtor's 2020 tax return	.2 hr	\$55.00
5/2/2024	Review proof of claim 3-1	.1 hr	\$27.50
5/2/2024	Review entries 16-17 (241 payges) and calendar status conference	.5 hr	\$137.50
5/2/2024	prepare monthly report and submit	.1 hr	\$27.50
5/4/2024	Review entries 18-19	.1 hr	\$27.50
5/8/2024	Review proof of claim 4-1 and entry 20	.2 hr	\$55.00
5/11/2024	Review proof of claim 5-1 and entries 21-23	.2 hr	\$55.00
5/16/2024	Emails with USTO and debtor counsel regarding appropriate bank accounts	.1 hr	\$27.50
5/16/2024	Review proof of claim 6-1	.2 hr	\$55.00
5/16/2024	Review entries 24-25	.3 hr	\$82.50
5/19/2024	Review and calendar notice of hearing entry 26	.1 hr	\$27.50
5/19/2024	Review lengthly entry 27	.3 hr	\$82.50
5/19-5/21/2024	Review 13 emails regarding re-scheduling motion and 341 meeting and re-calendar	.4 hr	\$110.00
5/21/2024	Review entries 28-35	.3 hr	\$82.50
5/21/2024	Review entries 36-37	.1 hr	\$27.50
5/22/2024	Review IDI notes and related emails	.2 hr	\$55.00
5/23/2024	Review entries 38-39	.2 hr	\$55.00
5/24-5/25/2024	Review emails by and between USTO and debtor counsel	.2 hr	\$55.00
5/26/2024	Review proof of claim 7-1	.1 hr	\$27.50
5/26/2024	Review entries 40-41	.1 hr	\$27.50
5/28/2024	Prepare and file motion to appear for motion for 5-30-2024	.1 hr	\$27.50
5/29/2024	Review voluminous documents for entries 42-52 for motion hearing	1.0 hr	\$275.00
5/29/2024	Review entry 53	.1 hr	\$27.50
5/29/2024	Review entries 54-55	.1 hr	\$27.50
5/30/2024	Attend hearing on motion to lift automatic stay	.8 hr	\$220.00
5/30/2024	Prepare for and attend 341 meeting	.9 hr	\$247.50
6/3/2024	Review entries 56-66, calendar events and file objection to entry 39	.8 hr	\$220.00



Date	Services	Time Spent	Fee Total
DUE UPON RECEIPT.			
Make all checks payable to Thomas J Kapusta.		TOTAL	\$5,020.66

TRUSTEE SIGNATURE: ss/Thomas J. Kapusta *Thomas J. Kapusta*  
Date: July 2, 2024

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          )  
          ) Chapter 11  
          ) Subchapter V  
          )  
Debtor      )

**NOTICE OF INITIAL APPLICATION OF THOMAS J. KAPUSTA  
FOR SUBCHAPTER V TRUSTEE FEES AND EXPENSES**

Thomas J. Kapusta, Subchapter V Trustee, has filed an application to be paid from the bankruptcy estate \$4757.50 for compensation for fees and \$263.16 for reimbursement of expenses, for a total of \$5020.66 in fees and expenses. Your rights may be affected. You should read the application and this notice carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to approve the application, you or your attorney have twenty-one (21) days to file with the Bankruptcy Clerk, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. The response should also include your daytime telephone number or, if your attorney files the response, your attorney's telephone number. Only an attorney may file a response on behalf of a corporation, a partnership, or another formal legal entity.

If you are an attorney, you must file any response electronically. See additional information regarding electronic filing (CM/ECF) on the Court's website at [www.ndb.uscourts.gov](http://www.ndb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is 655 1<sup>st</sup> Avenue North, Suite 210, Fargo, North Dakota 58102-4932. The response must be mailed early enough to ensure the Bankruptcy Clerk receives it on or before the deadline stated above.

If you or your attorney files a response, you or your attorney must also mail a copy of the response to parties in interest who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties-in-interest listed in by contacting the Bankruptcy Clerk's office at (701) 297-7100.

A hearing on the application may be set by separate order if a response is filed on or before the deadline stated above. If you or your attorney files a response to the application on or before the deadline stated above, the Court will call you or your attorney at the scheduled hearing time using the telephone number provided in the response. If an evidentiary hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing. Only an attorney may represent a corporation, a partnership, or another formal legal entity at a hearing.

If no one files a response on or before the deadline stated above, the Court may enter an order granting the application without a hearing.

Dated: July 2, 2024

Signed: s/Thomas J. Kapusta 

Thomas J. Kapusta  
TK Enterprises, LLC  
PO Box 90624  
Sioux Falls, SD 57109  
Phone: 605-376-6715  
email: tkapusta@aol.com  
Sub Chapter V Trustee